

REMARKS

1. Applicant thanks the Examiner for the Examiner's comments which have greatly assisted Applicant in responding.

2. 35 U.S.C. §112.

The Examiner rejected Claims 32-33, 37-39, 46, 53-56, 60-62, 69, 76-79 under 35 U.S.C. §112, second paragraph.

Applicant has amended said claims, accordingly. Applicant again thanks the Examiner for the Examiner's comments in regard to this matter.

Applicant is of the opinion that the amended Claims 32-33, 37-39, 46, 53-56, 60-62, 69, 76-79 overcome the Examiner's rejection. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §112, second paragraph.

2. Allowable subject matter.

The Examiner stated that Claims 48 and 71 are objected to as being dependent upon a rejected base claims 34 and 57, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has elected to cancel dependent claims 48 and 71 and incorporate the single limitation, "means for champion/challenger testing in a strategy design cycle," into independent Claims 34 and 57 for expeditious purposes only as stated fully hereinbelow. Applicant respectfully points out to the Examiner that there were no intervening Claims. Applicant also respectfully points out that dependent Claims 35-56 and 58-79 are in allowable condition.

It should be appreciated that Applicant has elected to amend the Claims solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such amendment, Applicant has not and does not in any way narrow the scope of protection to which Applicant considers the invention herein to be entitled. Rather, Applicant reserves

Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

3. 35 U.S.C. §102(b).

The Examiner rejected Claims 1, 2, 4-5, 9, 10, 12-13, 17, 34-37, 42-47, 50, 52, and 57 under 35 U.S.C. §102(b) as being anticipated by Courts *et al* (US 6085220), hereinafter Courts.

In view of the discussion hereinabove for allowable subject matter, Applicant has similarly amended Independent Claims 1, 9, and 17. Therefore, Applicant is of the opinion that independent Claims 1, 9, 17, 34, and 57 and the respective dependent claims are in condition for allowance. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §102(b).

4. 35 U.S.C. §103(a).

(a) The Examiner rejected Claims 3 and 11 under 35 U.S.C. §103(a) as being unpatentable over Courts as applied to Claims 1 and 9 hereinabove, and further in view of Dodrill *et al* (US 6490564), hereinafter Dodrill.

In view of the discussion hereinabove for allowable subject matter, Applicant is of the opinion that Claims 3 and 11 are in condition for allowance. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

(b) The Examiner rejected Claims 6-8, 14-16 under 35 U.S.C. §103(a) as being unpatentable over Courts as applied to Claims 1 and 9 hereinabove, and further in view of Humpleman *et al* (US 6466971), hereinafter Humpleman.

In view of the discussion hereinabove for allowable subject matter, Applicant is of the opinion that Claims 6-8, 14-16 are in condition for allowance. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

(c) The Examiner rejected Claims 18-19, 23-26 under 35 U.S.C. §103(a) as being unpatentable over Courts, and further in view of Marullo *et al* (US 6157940), hereinafter Marullo.

In view of the discussion hereinabove for allowable subject matter, Applicant is of the opinion that Claims 18-19, 23-26 are in condition for allowance. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

(d) The Examiner rejected Claim 20 under 35 U.S.C. §103(a) as being unpatentable over Courts in view of Marullo (hereinafter CM), and further in view of Ballantyne *et al* (US 6687873) hereinafter Ballantyne.

In view of the discussion hereinabove for allowable subject matter, Applicant is of the opinion that Claim 20 is in condition for allowance. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

(e) The Examiner rejected Claim 21 under 35 U.S.C. §103(a) as being unpatentable over CM as applied to Claim 18 hereinabove, and further in view of Kendall *et al* (US 2002/0138449) hereinafter Kendall.

In view of the discussion hereinabove for allowable subject matter, Applicant is of the opinion that Claim 21 is in condition for allowance. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

(f) The Examiner rejected Claim 22 under 35 U.S.C. §103(a) as being unpatentable over CM as applied to Claim 18 hereinabove, and further in view of Bertrand *et al* (US 6018732) hereinafter Bertrand.

In view of the discussion hereinabove for allowable subject matter, Applicant is of the opinion that Claim 22 is in condition for allowance. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

(g) The Examiner rejected Claims 27-33, 38-41, 49, 56, 58-70, 72-79, stating they recite limitations which have been addressed in Claims 2-6, and 17-22, and that therefore, are rejected for the same reasons as cited in Claims 2-6 and 17-22.

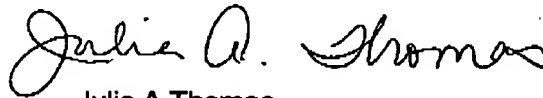
In view of the discussion hereinabove for allowable subject matter, Applicant is of the opinion that Claims 27-33, 38-41, 49, 56, 58-70, 72-79 are in condition for allowance.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

CONCLUSION

Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the Examiner's withdrawal of the rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent. The Examiner is invited to call to discuss the response. The Commissioner is hereby authorized to charge any additional fees due or credit any overpayment to Deposit Account No. 07-1445.

Respectfully Submitted,



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